

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

THE TRUSTEES OF
PURDUE UNIVERSITY,

Plaintiff,

v.

STMICROELECTRONICS N.V.,
STMICROELECTRONICS
INTERNATIONAL N.V., and
STMICROELECTRONICS, INC.,

Defendants.

Civil Action No. 6:21-cv-00727-ADA

JURY TRIAL DEMAND

**PURDUE’S OPPOSITION TO STNV’S MOTION TO EXTEND DEADLINE
TO FILE A REPLY BRIEF IN SUPPORT OF STNV’S DISPOSITIVE MOTION**

The Court should reject STNV’s request for an extension of time to file a reply brief in support of its motion to dismiss for lack of personal jurisdiction.¹ The evidence contradicts the alleged reason for blowing STNV’s November 29 deadline. Indeed, in the attached November 30 email sent at 11:06am, Mr. Cohen states he “missed” the deadline entry on his calendar and makes no mention of a “serious personal family matter” anywhere:

Sam - does Purdue have any objection to a brief extension of STNV's reply brief in support of the motion to dismiss? We would appreciate an extension to this Friday, 12/3. Unfortunately, it appears that with the holidays and one of our paralegals out on bereavement, I missed that it was docketed for yesterday and not today. But STNV still needs time to review the draft.

Thank you Sam, I very much appreciate the professional courtesy.

~Justin

¹ Had STNV filed its motion to dismiss on November 15 (i.e., day 21 after Purdue filed its amended complaint) instead of a week early on November 8, STNV’s reply brief deadline would have fallen on December 6.

Additionally, in the follow up voice message that Mr. Cohen left on the undersigned's cell phone the same day at 2:16pm, Mr. Cohen did not say STNV's request for a 4-day extension stemmed from "a serious personal family matter that required [him] to briefly travel out of town and to disconnect from work for the remainder of the week of Thanksgiving and the weekend of November 27-29," as alleged in the instant motion. Tellingly, rather than going ahead and filing STNV's reply brief (together with a motion for a 1-day extension of time) on November 30—i.e., the date that Mr. Cohen thought the reply brief was due, at least according to his email—Mr. Cohen (and likely other attorneys on his team) continued drafting STNV's reply brief.

The next day, on December 1 at 10:00am, before a meet-and-confer concerning a discovery dispute described in the attached calendar invite, Mr. Cohen asked the undersigned whether Purdue opposed STNV's request for a 4-day extension, and I informed Mr. Cohen that I would provide Purdue's response later the same day. During this conversation, and the one I had with Mr. Cohen the same day at 5:27pm, Mr. Cohen never stated that the basis for STNV's request for a 4-day extension stemmed from a "serious personal family matter." Once again, rather than filing STNV's reply brief (together with an opposed motion for a 2-day extension of time) on December 1, Mr. Cohen (and likely others) continued drafting STNV's reply brief.

Three days after STNV's reply brief deadline, on December 2 at 4:32pm, Mr. Cohen filed the instant motion. The reason why Mr. Cohen did not file STNV's reply brief on November 29 (or within the last couple days) could not be clearer. It is imperative that statements by counsel, whether written or oral, be truthful and exact. When they are not, consequences follow. Here, STNV's motion should be denied.

Dated: December 3, 2021

Respectfully submitted,

/s/ Samuel E. Joyner

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system on December 3, 2021.

/s/ Samuel E. Joyner

Samuel E. Joyner